

**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: **Council Chambers, City Hall** – 288 Central Ave., Dover, NH 03820  
Meeting Date: **Thursday, December 18, 2025**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Chris Prior (Chair), Anthony Sillitta (Vice Chair), Nicholas Couturier, Rich Onufry, Jackson Brown

**Members Not Present:** Hilary Hamer (Alternate), Nicole Morin (Alternate)

**Staff Present:** Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

### 2. APPROVAL OF MEETING MINUTES OF NOVEMBER 20, 2025

**Motion:** Couturier moved to approve the minutes of November 20, 2025 as amended. Seconded by Sillitta. Vote: 4 in favor with Brown abstaining

The Chair explained the meeting process.

### 3. HEARINGS

**A. ZONE- -2025-0036** Applicant: Dev Atma Khalsa (Owner: The Gurubhai Khalsa Trust) Page Avenue, Tax Map 37, Lot 52, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to construct a single-family dwelling with an attached garage 15' from the rear lot line where 30' is allowed.

Dev Atma Khalsa, 7 Milk St presented the item and explained the request for variance for the back setback. He explained the reasons he hasn't chosen one of the staff-recommended alternatives including possible future additions or ADU location on site.

He addressed the variance criteria noting the uniformity of the proposal to the rest of the neighborhood.

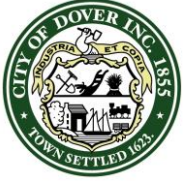
Public hearing opened

No one spoke

An email in opposition received to the office today was summarized by staff.

Public hearing closed

Staff recommendations: The Applicant's request is reasonable given the lot's unique shape and nonconformities. Staff, however, neither supports, nor opposes, this variance request due to several alternatives available to the Applicant which would not require variance relief. One alternative would be to relocate the attached garage to the rear of the property which would either eliminate, or greatly reduce, the sought rear setback relief. The second would be to construct a detached garage in the same proposed location as presented in the Applicant's variance plan. Accessory structures within the R-12 District have a 10' rear setback, meaning the proposed garage would need no relief at all if it were detached. That said, Staff feels that the key issue before this Board is whether the above alternatives benefit the public to a degree which justifies denying this variance. In Staff's opinion, they do not due to the lack of abutter impact and similar encroachments in the neighborhood. Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**  
Meeting Date: **Thursday, December 18, 2025**  
Meeting Time: **7:00 pm**

the five variance criteria. Based on the evidence presented, Staff remains neutral on this Variance request, but notes the lack of public benefit from its denial. Should the Board decide to grant the variance, Staff recommends it do so with the following condition:

1. No future variance will be given at this property for any sought dimensional regulation relief for a garage or addition.

**Motion:** Onufry moved to approve the variance request with the staff recommended condition. Brown seconded. Vote: U/A

The Chair confirmed with the applicant to hear items B, C and D together and vote separately.

- B. ZONE-2025-0037** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-11(D)** to allow for the construction of a commercial building within a residential zoning district.
- C. ZONE-2025-0037B** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to permit a front setback of 78.1' where the front build-to line requires a max of 25'.
- D. ZONE-2025-0037C** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-15(D)**, to allow for a commercial property closer than 150' from a residential structure within a residential zone.

FX Bruton, Bruton and Berube, presented the item and explained this was before the board in 2021 with an almost identical request, but the property has changed hands. He highlighted the minor differences to this request including a few feet of setback and a multi-use (office) rather than just a medical office. He addressed the proposed shared access point. He addressed the five variance criteria.

He clarified the intended uses of the project for the board.

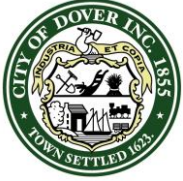
Public hearing opened

Staff summarized an email in opposition to the requests received from an abutter.

Public hearing closed

Staff recommendations: As near identical variances were granted in February 2021, Staff is in support of granting the variances due to precedent, as well as the reasonability of the request. This request, however, differs from the 2021 variance package in two distinct ways.

The first is that the commercial use in the 2021 variance package was identified as a “Medical Office”. The variance package before this Board does not specify a commercial use. Upon bringing this to the



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**  
Meeting Date: **Thursday, December 18, 2025**  
Meeting Time: **7:00 pm**

Applicant's attention, the Applicant stated that the use would be restricted to that of an "Office" use. Secondly, the prior variances did not propose any residential units, whereas this package does. Staff was informed during subsequent communications with the Applicant that the intent is to seek four (4) dwelling units, through the Planning Board through the TDR process as outlined in the Zoning Ordinance. So, to be clear, no density is being granted by this Board.

Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria for each of the Variance requests. Based on the evidence presented, Staff supports these variance requests with the same conditions imposed as the 2021 approvals which are numbers 1, 2, & 3 below, and with two conditions added for clarity as to the commercial use being approved and the question as to residential dwelling unit density.

Those conditions are as follows:

1. The property shall be served by a single, shared driveway with Map K, Lot 19C;
2. The Owner shall relinquish any rights to the shared driveway over Map K, Lot 26-1;
3. The Site Plan submitted for this project shall include an 8' tall fence and landscaped buffer between the proposed structure and Map K, Lot 26-1, and landscaping along the frontage of Dover Point Road;
4. The commercial use at this property shall be limited to all uses permitted within the R-12 Zoning District or "Office" use, as defined in 170-6 of the zoning ordinance; and
5. These variance approvals in no way grant authorization of the four (4) sought residential dwelling units – any and all density in excess of what is permitted via underlying zoning shall be approved by the Planning Board.

**Motion:** Sillitta moved to approve the variance request 25-0037 with conditions listed by staff as it meets the criteria. Couturier seconded. Vote: U/A

**Motion:** Sillitta moved to approve the variance request 25-0037B with conditions listed by staff as it meets the criteria. Onufry seconded. Vote: U/A

**Motion:** Sillitta moved to approve the variance request 25-0037C with conditions listed by staff as it meets the criteria. Brown seconded. Vote: U/A

#### 4. OTHER BUSINESS

None

#### 5. ADJOURN

**Motion:** Sillitta moved to adjourn at 7:38pm. Couturier seconded. Vote: U/A